

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

CONTINENTAL CASUALTY COMPANY, §

§

Plaintiff,

§

vs.

§

CIVIL ACTION NO.:

§

2:07-CV-221-WHA

§

§

ALABAMA EMERGENCY ROOM

§

ADMINISTRATIVE SERVICES, P.C.,

§

§

Defendant.

§

JOINT MOTION TO EXTEND DEADLINES

COME NOW Plaintiff Continental Casualty Company (“Continental Casualty”) and Defendant Alabama Emergency Room Administrative Services, P.C. (“AERAS”), and respectfully move this Honorable Court extend the deadline for the parties to submit the Agreed Statement of Facts and Exhibits and the deadline for Plaintiff to submit its principal brief in this matter. As grounds for this Motion, the parties state as follows:

1. This is an action for declaratory judgment regarding the recovery of premium assessed on a workers’ compensation policy issued by Plaintiff Continental Casualty to Defendant Alabama Emergency Room Administrative Services, P.C. for the policy period of May 3, 2005 to May 3, 2006.

2. The central issue in this litigation is whether certain physicians of AERAS qualified as “employees” for purposes of workers’ compensation insurance and, therefore, should be included in the assessment of the premium for the workers’ compensation policy.

3. Due to the unique nature of this action, on October 29, 2007, the Court ordered this matter to be submitted on an Agreed Statement of Facts and Exhibits and briefs. The Court’s

October 29, 2007 Order also directed the parties to conduct discovery in sufficient time to allow submission of the Agreed Statement of Facts and Exhibits and Plaintiff's principal brief on April 21, 2008.

4. Since the entry of the Court's October 29, 2007 Order, the parties have conducted additional written and deposition discovery. Recently, counsel for the parties conferred in an attempt to resolve an outstanding discovery dispute. [See Docs. 22, 24, 25, and 26]. As a result of that conference, Defendant AERAS agreed to produce additional voluminous documents that are expected to number in the thousands.

5. Due to the delayed discovery of the referenced documents, the parties respectfully request that this Court extend the deadline for submission of the parties' Agreed Statement of Facts and Exhibits and Plaintiff's principal brief in this matter by an additional sixty (60) days. An extension of this length will permit the parties sufficient time to review the voluminous documents, and to obtain any additional written discovery or deposition testimony as may become necessary.

WHEREFORE, PREMISES CONSIDERED, Plaintiff Continental Casualty Company and Defendant Alabama Emergency Room Administrative Services, P.C. respectfully request that this Honorable Court enter an Order extending by sixty (60) days the deadline for the parties to submit their Agreed Statement of Facts and Exhibits and the deadline for Plaintiff to submit its principal brief in this matter.

Respectfully submitted,

/s/ Candace L. Hudson

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